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11 Attorneys for Defendant Gregory L. Reyes

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 ANDREW E. ROTH, derivatively on behalf of)

BROCADE COMMUNICATIONS)

16 SYSTEMS, INC.,)

17 Plaintiff,)

18 v.)

19 GREGORY REYES, MICHAEL BYRD,)

ANTONIO CANOVA, JACK CUTHBERT,)

20 and BROCADE COMMUNICATIONS)

SYSTEMS, INC.,)

21 Defendants.)

CASE NO. 3:06-CV-02786 CRB

JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
THE CASE MANAGEMENT
CONFERENCE

Judge: Hon. Charles R. Breyer
Courtroom: 8, 19th Floor

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24 WHEREAS, by Stipulated Order dated September 20, 2006, the Court continued the Case
25 Management Conference in the above-entitled action from October 13, 2006, until December 1,
26 2006;

27 WHEREAS, defendants have filed motions to dismiss that are scheduled for oral argument
28 on December 1, 2006;

1 WHEREAS, the parties have met and conferred and are in agreement that no purpose will
 2 be served by preparing and presenting to the Court a case management plan unless and until the
 3 parties know whether plaintiff's claims will survive the motions to dismiss and, therefore, the
 4 interests of justice and economy of effort would be served by deferring the Case Management
 5 Conference until the Court has resolved defendants' motions to dismiss;

6 IT IS THEREFORE STIPULATED AND AGREED, by and between the undersigned,
 7 subject to approval of the Court, that the Case Management Conference shall be continued until a
 8 date no less than 30 days after the motions to dismiss are resolved, which shall be set by the Court
 9 at the conclusion of the December 1, 2006 hearing.

10 DATED: November 14, 2006

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Attorneys for Plaintiff Andrew E. Roth

22 DATED: November 13, 2006

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Attorneys for Defendant Gregory L. Reyes

1 DATED: November 13, 2006

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7 *Counsel for Defendant*
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9 DATED: November 13, 2006

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16 DATED: November 13, 2006

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21 *Counsel for Defendant Tony Canova*

22 DATED: November 13, 2006

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25 /s/ Patrick Doolittle

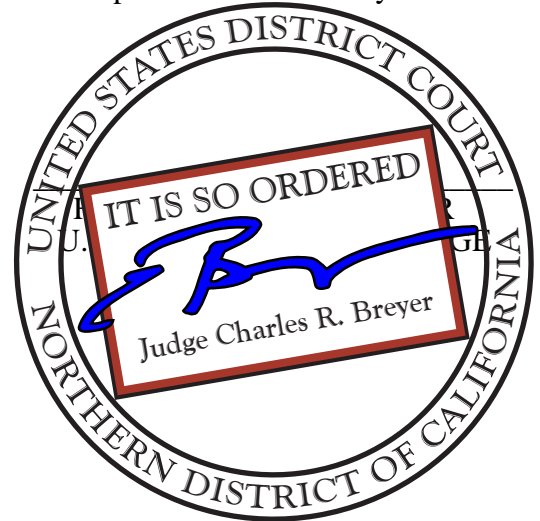
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27 *Counsel for Defendant Mike Byrd*

[PROPOSED] ORDER

Good cause appearing, and based on the stipulation of the parties set forth in the above Stipulation, **IT IS HEREBY ORDERED** that the above stipulation is entered by this Court.

DATED: November 16, 2006



1 I, Garrett J. Waltzer, am the ECF User whose identification and password are being used to
2 file this JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE CASE
3 MANAGEMENT CONFERENCE. In compliance with General Order 45.X.B., I hereby attest that
4 each of the other signatories have concurred in this filing.

5 DATED: November 14, 2006

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP

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8 /s/ Garrett J. Waltzer
Garrett J. Waltzer